

Roni Rotholz, Esq. (SBN 092448)
LAW OFFICES OF RONI ROTHOLZ
1870 Olympic Blvd., Suite 120
Walnut Creek, CA 94596

Telephone: (925) 932-0193
Facsimile: (925) 939-8434
E-mail: rrotholz@aol.com

Attorney Kiren Mand, Defendant


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

EDWARD G. KLUIJ; KIREN MAND,
Defendants.

Case No.: CR 11-00422-01 LHK

STIPULATION AND ~~PROPOSED~~ 
ORDER EXCLUDING TIME FROM
MAY 9, 2012 THROUGH JUNE 6, 2012,
FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(7)(A),(B)), AND MOTION TO
VACATE MAY 9, 2012 COURT DATE

The undersigned counsel having conferred, and, in concert, needing to resolve counsel Roberts' conflict re the date next set re the instant matter, May 9, 2012, consistent with him now being confirmed in trial at that time, and, further, his need to conclude the case preparations now in progress re the instant matter, and, further, the undersigned counsel needing to accommodate the requirement by undersigned counsel Rotholz re some additional time to conclude case preparation re defendant Mand, and having verified with the Court that June 6, 2012, at 10:00 a.m., is available for a further setting, jointly pray the Court continues the hearing now set for May 9, 2012 to June 6, 2012 at 10:00 a.m. The undersigned counsel

1 further pray that their appearance, and those of their defendant clients would be excused on
2 May 9, 2012, but compelled on the new date of June 6, 2012.

3 Undersigned Rotholz hereby affirms the request and permission of counsel Roberts that
4 he, Rotholz, prepare and execute, on both counsel's behalf, the instant request for
5 continuance, that he reviewed same with counsel Roberts, and that he obtained the
6 authorization to undertake and file same.

7 At this time, consistent with the above, the parties are requesting an exclusion of time
8 from May 9, 2012 to June 6, 2012, to accommodate counsel Roberts' trial commitment, to
9 afford counsel Roberts a further opportunity for case preparation he requires in the instant
10 matter, and to afford counsel Rotholz the further time he needs to complete his case
11 preparation in the instant matter. Again, the parties also request that the May 9, 2012 Court
12 date be vacated and a new Court date be set on June 6, 2012, at 10:00 a.m.

13 Consistent with the above, the undersigned respectfully request an order finding that the
14 subject time period is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the
15 ends of justice are served by taking such an action and outweigh the best interests of the
16 public and defendants in a speedy trial. The failure to grant such a continuance would
17 unreasonably deny counsel for defendants the reasonable time for effective preparation,
18 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties
19 also request that the May 9, 2012, Court date be vacated.

20
21 It is so Stipulated,

22 LAW OFFICE OF RONI ROTHOLZ

23 /s/ *Roni Rotholz*

24 Dated: May 8, 2012

25

Roni Rotholz, attorney for defendant Mand

26 LAW OFFICE OF DENNIS ROBERTS

27 /s/ *Dennis Roberts*

28 Dated: May 8, 2012

Roni Rotholz, attorney for defendant Kluj

[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time from May 9, 2012, through June 6, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

Further, based upon the request of the parties, the May 9, 2012 Court date is vacated. The Court sets by this Order June 6, 2012 at 10:00 a.m. as the new date for further proceedings re this matter and orders the parties present on that date and at that time.

IT IS SO ORDERED.

DATED: 5/8/12

Lucy H. Koh
HONORABLE LUCY H. KOH

Excludable time is also found based on the need for continuity of counsel for Defendant Kluj because his counsel is in trial.